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Attorneys for the Government

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	2:09-CR-0079-KJD(RJJ)
Plaintiff,)	
)	
v.)	STIPULATION TO CONTINUE
)	DATE FOR FILING
HAROLD CALL,)	RESPONSE TO PRETRIAL MOTION
)	
Defendant.)	
_____)	

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America by and through its attorneys, Gregory A. Brower, United States Attorney for the District of Nevada, and Eric Johnson, Chief, Organized Crime Strike Force, and defendant Harold Call, through his counsel Terrence Jackson, Esq.(hereinafter the parties), that the Government shall have to and including September 25, 2009, to respond to defendant Harold Call's Motion to Suppress Evidence.

This Stipulation is entered into for the following reasons:

1) Government's counsel's caseload, including a matter that until recently was set to begin trial the week of September 21, 2009, has precluded counsel from devoting the sufficient time to research and respond to defendant's motion to suppress evidence.

2) Defendant on September 1, filed a Motion to Suppress Evidence seeking to suppress evidence seized from defendant's house pursuant to a search warrant. Under the local rules, the Government's response is due today, September 15, 2009. Defendant on September 11, 2009, filed a Motion to Dismiss seeking to dismiss charges against defendant concerning his possession of

1 machine guns as defined by statute. Under the local rules, the Government's response is due on
2 September 25, 2009. Defendant's motion to suppress concerns many of the same legal issues raised
3 in his motion to dismiss. Consequently, in responding to defendant's motions, the Government seeks
4 to respond to both motions and the legal issues raised once at the time the Government's response to
5 the motion to dismiss is due on September 25.

6 3) Trial in the instant case is not until November 2, 2009. Consequently, granting the
7 requested continuance in the time to respond would not affect the trial date.

8 4) The additional time requested herein is not sought for purposes of delay but merely
9 to allow counsel for the Government sufficient time, in light of the above, within which to be able to
10 effectively and thoroughly research, prepare and respond to the pretrial motion at issue, taking into
11 account the exercise of due diligence.

12 5) Additionally, denial of this request for continuance could result in a miscarriage of
13 justice.

14 6) The ends of justice served by this request for a continuance of the response date
15 outweigh the interest of the public and the Defendant in a speedy trial, considering the factors set forth
16 in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (iv). Failure to grant the requested
17 continuance would likely result in a miscarriage of justice, would unreasonably deny the Government
18 reasonable time for effective preparation, taking into account the exercise of due diligence. As noted
19 above, granting of the continuance would not affect the current trial date.

20 7) The additional time requested by this stipulation is excludable in computing the time
21 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
22 Code, Section 3161(h)(1)(F), 3161(h)(6), and 3161(h)(7)(A) when considering the factors under
23 3161(h)(7)(B)(i) and (iv).

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25 ...

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1 8) This is the first request for continuance of the response date for the pretrial motion
2 at issue.

3 DATED this 15th day of September 2009.

4 Respectfully Submitted,

5 ERIC JOHNSON
6 United States Attorney

7 /s/ Terrence Jackson

8 /s/ Eric Johnson

9 _____
10 Terrence Jackson, Esq.
11 Attorney for Harold Call

12 _____
13 Eric Johnson
14 Chief, Organized Crime Strike Force

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	2:09-CR-0079-KJD(RJJ)
Plaintiff,)	
)	
v.)	
)	
HAROLD CALL,)	
)	
Defendant.)	

ORDER CONTINUING DATE FOR RESPONSE TO PRETRIAL MOTION

Based on the pending Stipulation of counsel and good cause appearing therefore, the Court hereby finds that:

1) Government's counsel's caseload, including a matter that until recently was set to begin trial the week of September 21, 2009, has precluded counsel from devoting the sufficient time to research and respond to defendant's motion to suppress evidence.

2) Defendant on September 1, filed a Motion to Suppress Evidence seeking to suppress evidence seized from defendant's house pursuant to a search warrant. Under the local rules, the Government's response is due today, September 15, 2009. Defendant on September 11, 2009, filed a Motion to Dismiss seeking to dismiss charges against defendant concerning his possession of machine guns as defined by statute. Under the local rules, the Government's response is due on September 25, 2009. Defendant's motion to suppress concerns many of the same legal issues raised in his motion to dismiss. Consequently, in responding to defendant's motions, the Government seeks to respond to both motions and the legal issues raised once at the time the Government's response to the motion to dismiss is due on September 25.

3) Trial in the instant case is not until November 2, 2009. Consequently, granting the requested continuance in the time to respond would not affect the trial date.

